

1 IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
2 IN AND FOR LEON COUNTY, FLORIDA

3 CASE NO.: 37-2022-CA-000541

4 OFFICE OF THE ATTORNEY GENERAL,
5 DEPARTMENT OF LEGAL AFFAIRS,
6 STATE OF FLORIDA,

7 Plaintiff,

8 vs.

9 SARASOTA COUNTY PUBLIC HOSPITAL DISTRICT,
10 d/b/a Sarasota Memorial Healthcare System, Inc.;
11 LEE MEMORIAL HEALTH SYSTEM, d/b/a Lee Health;
12 NORTH BROWARD HOSPITAL DISTRICT, d/b/a Broward
13 Health; HALIFAX HOSPITAL MEDICAL CENTER,
14 d/b/a Halifax Health; WEST VOLUSIA HOSPITAL
15 AUTHORITY; SCHOOL BOARD OF MIAMI-DADE COUNTY;
16 and PUTNAM COUNTY SCHOOL BOARD,

17 Defendants.

18
19 VIDEOCONFERENCE HEARING
20 BEFORE THE HONORABLE
21 JUDGE JOHN C. COOPER
22 (VOLUME II OF II)
23
24
25

DATE TAKEN: December 19, 2022

TIME: 3:00 p.m.

PLACE TAKEN: All parties via Zoom

REPORTED BY: KAREN A. CHAMBERS
Court Reporter

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1 raised factual disputes, some have. This may
2 surprise you, but I don't have a law clerk.

3 MR. BENTLEY: Well, I'll just say this,
4 no, I'm not asking --

5 THE COURT: I don't have partners either.
6 So I'm asking you what are the practicalities of
7 what everyone here is asking me to do?

8 MR. BENTLEY: Right. Good question.

9 THE COURT: Why shouldn't we get a read
10 on this from the First District? Which you know
11 we're going to get no matter what I do.

12 MR. BENTLEY: That's probably true.
13 Yeah, I would agree with that.

14 However, I would answer your question in
15 the negative, actually. It is, no, I'm not asking
16 you to tell them they cannot settle. I'm asking
17 them to stay in their lane. I'm saying, settle
18 your case, not my case. You know, you have your
19 own case worth billions of dollars, because you
20 have Medicare funding just like the tobacco
21 companies and you settled those cases through the
22 legislation. And we still have individual tobacco
23 claims. All I -- and we have class actions --

24 THE COURT: I have several right now.

25 MR. BENTLEY: What's that?

1 because I accept their proposition that they were
2 my attorney, I accept their proposition that they
3 released my claims.

4 THE COURT: Here's what I think is the
5 ultimate answer, this is a practical answer, not a
6 legal answer. There's a bunch of lawyers here, all
7 good lawyers. Every one I know is good, including
8 all the people I see who haven't spoken here that I
9 know. So whatever I rule, you're going to go to
10 the First District, maybe the Florida Supreme
11 Court. And you-all can't be correct. One side is
12 wrong. It's possible both sides are wrong to a
13 certain degree. And do you want to take this case
14 and turn it into the law forever, you being the
15 State of Florida, the Attorney General, and the
16 various defendants. Do you want to do that or do
17 you want to go back to mediation where the mediator
18 said you've made progress and you-all agreed not to
19 terminate it. Do you want to go back and see if
20 you can figure out a way, whereby your clients can
21 share in the proceeds of this settlement in some
22 equitable way to make your claims, at least from a
23 practical standpoint, something you would wish to
24 resolve with the State.

25 Now, I can't make the State be

1 will make everyone happy, even from the defense
2 side. So that's all I can say. I will say to
3 everyone, whatever I decide I'll probably do an
4 email and let you-all know in general what I've
5 decided and ask you to write an order. I would
6 hope that who ever gets to write an order can do it
7 in a fewer amount of pages than you did on your
8 briefing. Now, Mr. Richard, I think, was about 12
9 pages. That's about what I have in mind. I don't
10 know if he'll be the one writing the order or not.
11 But you-all can't write 60, 70-page orders and
12 expect me by myself with 800 other cases to fact
13 check an order like that.

14 MR. RAINER: An excellent reason to rule
15 for me, Your Honor, I'll give you a 12-page order.

16 THE COURT: Well, Mr. Rainer, you got to
17 convince everybody else that they agree with you.

18 MR. RAINER: No, I don't think so, Your
19 Honor. I think they can go on their merry way.
20 And the AG and I can have the discussion on how to
21 handle this case going forward.

22 THE COURT: What I think is, no matter
23 what I do this case is going to be before the First
24 District Court of Appeal and probably the Florida
25 Supreme Court.